

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

F16a

Appeal filed 10/29/2002
49th day 12/17/2002
49-day waiver 11/15/2002
Staff JB-SC

Previous Coastal Commission Actions & Dates

Substantial issue found 5/8/2003
Project denied 5/8/2003

Revised Findings

Revised findings staff report prepared.. 9/18/2003
Revised findings hearing date..... 10/10/2003

APPEAL STAFF REPORT - REVISED FINDINGS

Local governmentCity of Grover Beach

Local DecisionApplication No. 01-018, Approved with conditions (see Exhibit E).

Appeal NumberA-3-GRB-02-086

Applicant.....Horizon Seabright L.L.C.

AgentChris Skiff

AppellantsCommissioners Sara Wan and Pedro Nava; Jon and Rosanna Seitz.

Project location1003 Front Street, Grover Beach, APN# 060-491-029, (see Exhibits A and B)

Project descriptionDivide a .98-acre parcel with an existing residence into two parcels of 20,002.98 s.f. (Parcel 1) and 22,494.26 s.f. (Parcel 2).The project also includes the construction of a new 2,200 s.f. single-family residence on parcel 1.

File documents.....City coastal permit Application No. 01-018; City of Grover Beach Certified LCP; Biological Resources Assessment (Morro Group, august 22, 2001); Soils Engineering Report (Earth Systems Pacific, June 20, 2001); Cultural Resource Survey (Singer and Associates, August 5, 2001); Arborist Report (Carolyn Leach Consulting, November 30, 2001).

Commissioners prevailing: Desser, Iseman, Durazo, Curtis, Orr, Allgood, Wan and Woolley

Staff note: The Coastal Commission denied the proposed land division on *de novo* review after public hearing on May 8, 2003 by a vote of 8-2. Because the staff recommendation had been for approval with conditions, this report contains revised findings reflecting the Commission's action. For this same reason, the findings have been modified from the previous version of the staff report to reflect the Commission's concerns about impacts on environmentally sensitive habitat.



California Coastal Commission
October 2003 Meeting in Coronado

Staff: J.Bishop Approved by:

Synopsis of the Coastal Commission's May 8, 2003 action: The Applicant's proposed project raised concerns related to the protection of riparian / oak woodland ESHA, the Pismo Lake State Ecological Reserve, and appropriate residential densities adjacent to sensitive habitats. In this case, the Commission found that the creation of a new lot and one additional building envelope to support future residential development would significantly degrade the Pismo Lake environs and would not be compatible with the continuance of those habitat areas. After public hearing, the Coastal Commission denied the Applicant's proposed project by an 8-2 vote.

Summary of Staff Recommendation: Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on May 8, 2003, denying the permit to divide a .98-acre parcel with an existing residence into two parcels and create a new building envelope for residential development.

Staff Report Contents

1. Project Procedural History	3
2. Staff Recommendation on Revised Findings.....	3
Recommended Findings and Declarations.....	4
3. Project Description	4
A. Project Location	4
B. Project Description.....	4
4. Coastal Development Permit Determination	5
A. Applicable Policies	5
B. Analysis of Consistency with Applicable LCP Policies	7
1. Riparian / Oak Woodland Protection.....	7
LCP Requirements	7
Project Impacts	9
Project Inadequately Protects Coastal Water Quality	10
Cumulative Impacts	11
Conclusion	11
5. California Environmental Quality Act (CEQA)	12
6. Exhibits	
A. Project Vicinity Map	
B. Aerial Photo	
C. Original Site Plan Approved by City of Grover Beach	
D. Photographs of Site	
E. City Final Local Action Notice	
F. Appellants' Contentions	
G. Modified Plan Following Appeal	



1. Project Procedural History

The City of Grover Beach has a certified LCP. On April 9, 2002, the Grover Beach Planning Commission adopted a resolution to deny this project. Following this decision the Applicant made changes to the proposal. On July 9, 2002, the Planning Commission again denied the revised project. On appeal, the Grover Beach City Council, in local permit #01-018, approved a coastal development permit for a subdivision; the construction of a new 2,200 square foot single-family residence; construction of a driveway and retaining wall; construction of a sediment retention basin; and development of other associated drainage elements. The action was subject to 52 Conditions of Approval (See Exhibit E for the complete text of the City's findings and conditions of approval).

Commissioners Sara Wan and Pedro Nava, and Jon and Rosanne Seitz then appealed the City Council's approval to the Commission. On May 8, 2003, the Coastal Commission found that a substantial issue existed with respect to the proposed project's conformance with the LCP and took jurisdiction over the coastal development permit for the proposed project. At the same public hearing the Commission denied the project. Because Commission staff's recommendation at the May 8, 2003 hearing was to conditionally approve the project, revised findings reflecting the Commission's May 8th action are necessary.

2. Staff Recommendation on Revised Findings

Staff recommends that the Commission adopt the following revised findings in support of its denial of a coastal development permit for the proposed development on May 8, 2003.

Motion: *I move that the Commission adopt the revised findings in support of the Commission's action on May 8, 2003 concerning appeal number A-3-GRB-02-086.*

Staff Recommendation of Approval: Staff recommends a **YES** vote. Passage of this motion will result in the adoption of revised findings as set forth in this report. The motion requires a majority vote of the members from the prevailing side present at the May 8, 2003 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

Resolution to Adopt Revised Findings. The Commission hereby adopts the findings set forth below for denial of a coastal development permit for the proposed development on the ground that the findings support the Commission's decision made on May 8, 2003 and accurately reflect the reasons for it.



Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

The project site is located at 1003 Front Street in the City of Grover Beach (APN 060-491-029). The existing 42,497.24 square foot (.98-acre) parcel is located on the upper banks of Pismo Lake (see Exhibits A & B). The parcel is situated immediately adjacent to the Pismo Lake State Ecological Reserve. There is an existing house and driveway on the southern portion the parcel. The site slopes gradually to lower elevations near the northern property line, dropping off dramatically in the form of a steep bank meeting the waters edge of Pismo Lake.

Commission staff conducted a field visit to the site November 6, 2002, to observe the site and its relative location to the oak woodlands and wetland habitat of Pismo Lake (See Exhibits B & D for photos). The property contains an abundance of willow and native Coast Live Oak trees. The unique grandeur of the 84" Oak is the predominant natural feature on the site. The entire northern property boundary contains riparian/wetland vegetation intermixed with larger Coast Live Oak trees. Together they form a rich mosaic of vegetation best described as environmentally sensitive Riparian Oak Woodlands.

The subject parcel was created by the Bagwell Tract, a four (4) parcel subdivision approved by the Commission in 1978 prior to the certification of the LCP.¹ Owing to the environmental sensitivity of the area, the Regional Commission required a 5-acre natural buffer zone to border the southern edge of the Pismo Lake marsh west of North Fourth Street. The 5-acre buffer was dedicated to the City as permanent open space as a condition of approval. The western extent of the natural buffer is located immediately adjacent to northern property boundary of the parcel. According to the LCP, "the buffer area must remain in an undisturbed natural condition."²

B. Project Description

As originally approved by the City, the project includes a land division of the existing .98-acre parcel that will result in two parcels. Parcel 1 is proposed to be 20,002.98 square feet and Parcel 2 is proposed to be 22,494.26 square feet. The project also included the construction of one new single-family residence on Parcel 1, approximately 2,200 square feet in size. There is an existing 2,788 square foot residence on Parcel 2 (see Exhibit C).

¹ Application 133-08

² City of Grover Beach certified Local Coastal Program, pg. 14.



In addition to the new home on Parcel 1, the applicant proposed to construct a sediment retention basin, a new driveway, retaining wall, and improved drainage features to support the new development. The retention basin would be located at the top of the bank of Pismo Lake and is near the dripline of a 42" Coast Live Oak tree. A low retaining wall was proposed where the new driveway would split apart from the existing driveway. The proposed home and retaining wall would be located in close proximity to a large 84" Coast Live Oak tree situated near the center of the existing lot. There is an existing drainage easement that runs through the property extending from 2nd street to Front Street on the westerly side of the property. The current drainage easement is designed to convey surface drainage from offsite properties and settle on the site. The project included modifications to the drainage easement so that the easement will be located outside of the building envelope of the proposed residence.

Following the filing of the appeal and Commission staff's identification of resource concerns, the applicant modified the project proposal. As submitted by the applicant, changes to the project include a new lot line configuration resulting in two new parcels (Parcel 1 = 22,044.45 and Parcel 2 = 22,452.79), as well as a modified development envelope located further away from the dripline of the adjacent oak woodland canopy. The applicant has requested that the residence originally proposed on Parcel 1 be removed from the project description with the understanding that any future development on the site would be subject to separate coastal development permit review and approval.

4. Coastal Development Permit Determination

A. Applicable Policies

The following policies of the City of Grover Beach LCP address the environmentally sensitive habitat areas of Pismo Lake and Meadow Creek:

B. Inland Resource Area

Water Resources - Pismo Lake and Meadow Creek (Northeastern Branch)

Action Standard 3. *A natural buffer area shall be established between the riparian habitat area of Meadow Creek and the adjacent upland areas to the south. This buffer zone shall be of sufficient width to provide essential open space between the environmentally sensitive habitat area and any development. The actual width of this buffer shall be determined by precise ecological studies which define and measure the functional capacity of the Meadow Creek ecosystem. Development upland of the environmentally sensitive habitat area and its adjacent buffer shall be sited and designed to prevent impacts which would significantly degrade the Meadow Creek and downstream Pismo Lake environs, and shall be compatible with the continuance of those habitat areas.*

Action Standard 4. *Areas designated for development in the Meadow Creek uplands shall be at a density of 0-4 units per gross acre. Any application for development must*



demonstrate the following:

- (a) *That the project does not significantly alter presently occurring plant and animal populations in the Meadow Creek ecosystem in a manner that would impair the long-term stability of the Meadow Creek ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project.*
- (b) *That the project does not harm or destroy a species or habitat that is rare or endangered.*
- (c) *That the project does not harm or destroy a species or habitat that is essential to the natural biological functioning of the Meadow Creek ecosystem.*
- (d) *That the project does not significantly reduce consumptive values of the Meadow Creek ecosystem.*

Action Standard 5. *As the areas designated for low density development within the City limits in the Pismo lake area actually develop, natural buffer areas and open space dedications shall be made for as much of the undeveloped land as feasible.*

Action Standard 6. *The area generally known as the Meadow Creek Uplands shall be developed with clustered single family detached dwellings. The cluster design will aid in development which is sensitive to surrounding habitat areas. Development in this area shall be sited and designed to prevent impacts which would significantly degrade Pismo Lake and/or Meadow Creek habitat values. Please see approved development plan (Figure 1) at the end of this component. The number of dwelling units shown on this exhibit for areas within the Coastal Zone represent the maximum number allowed.*

Access to development in the Meadow Creek upland area shall be via a 30' wide private residential street extension of North 5th Street ending in a cul-de-sac, and off of Charles Place connecting to Margarita Avenue. Parking shall be required as per existing City standards.

Policy 7. *All materials used to cover any part of the ground within the proposed developable areas, other than residential structures, public roads, public street improvements, and swimming pools shall be permeable. Permeable surfaces may consist of paving blocks, porous concrete, brick, or any other similar material which will permit percolation of precipitation and runoff into the ground. (Section 30231)*

Policy 8.

- (a) *Lands with slope of 25% or greater shall not be developed. Lands with a slope between 10% and 25% may be developed if the development incorporates specific measures to minimize grading and drainage systems which limit the rate of runoff, including siltation and erosion, to that which occurs naturally on the undeveloped*



- site. Applications for development on sites between 10% and 25% shall be accompanied by site specific professional engineering plans.*
- (b) *Prior to the transmittal of a coastal development permit, the permittee shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from developed site over the greatest discharge expected from the existing undeveloped site as a result of a 100 year frequency storm. Runoff control shall be accompanied by such means as on-site detention/desiltation basins or other devices. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be in accordance with the latest adopted City Standards and shall be submitted to and determined adequate in writing by the Community Development Department.*

Inland Resource Policy 9(a). *The removal of Coast Live Oaks and of Shagbark Manzanita from the developable as well as undevelopable land in the vicinity of Pismo Lake shall be prohibited except for emergency situations. Removal of vegetation, grading and other earth-moving activities in developable areas shall be minimized. Impacts of such activities shall be shown in site and grading plans and shall meet with the approval of the City. Landscaping in developable areas here shall be compromised primarily of native vegetation and shall be compatible with surrounding native vegetation.*

Inland Resource Policy 9(b). *No development shall occur within 50 feet of the dripline of a solid canopy oak woodland.*

B. Analysis of Consistency with Applicable LCP Policies

1. Riparian / Oak Woodland Protection

LCP Requirements

The City of Grover Beach LCP requires that new development be compatible with the environmentally sensitive habitat areas of Pismo Lake Ecological Reserve. Any development adjacent to environmentally sensitive habitat areas, such as the proposed additional lot, and any future development on the lot (e.g. house, driveway, retaining walls, and sediment retention basin), must be compatible with the protection and long-term biological continuance of these habitat areas (Action Standards 3,4,5, and 6). More specifically, the policies in the LCP contain strict protections to avoid adverse impacts to native oak woodlands (Inland Resource Policy 9a and 9b); as well as the riparian wetlands habitat of Meadow Creek (Action Standards 3 and 4). In particular, these standards require that new development upland of the habitat not harm or any way change the species diversity and habitat values of Meadow Creek. Furthermore, the LCP contains strong water quality protection standards for Meadow Creek and Pismo Lake (Inland Resource Policies 7 and 8).

The project is directly adjacent and borders the Pismo State Ecological Reserve. The LCP designates



the on-site riparian/oak woodland as environmentally sensitive habitat area (ESHA). Page 14 of the certified LCP describes the ESHA as follows:

*Flora and Fauna: Pismo Lake and the remaining undeveloped lands adjacent to its borders provide a variety of native habitats. Because these habitats contain some rare and endangered species of plants, and because encroaching development now jeopardizes the ability of this natural area to withstand the impacts of urbanization, **Pismo Lake and its environs must be considered a sensitive habitat area** (emphasis added).*

The proposed project will impact two different types of sensitive habitat areas described in the LCP. The first habitat community is Oak Woodlands. Oak Woodlands are a type of habitat found in the vicinity of Pismo Lake, both on the east and west of North Fourth Street. Coast live oak (*Quercus agrifolia*) dominate this type of habitat and is described in the LCP as being “the last woodland of this type in the entire region.” The project site contains many mature Coast live oak trees as well as some trees in early life stages. West of North Fourth Street (in the project area) the woodland is intermixed with riparian vegetation and extends from the north boundary of the project site to the shore of the marsh areas of Pismo Lake. The second habitat type is Riparian Woodlands. Riparian Woodlands are also found west of North Fourth Street (in the project area). The LCP describes the Riparian Woodland habitat here as part of the oak woodland complex described previously. Riparian vegetation associated with the Oak Woodland includes elderberry, wild rose, poison oak, wild cucumber, nettle, berry, and other herbaceous plants. In addition, Arroyo willows (*Salix lasiolepis*) are present on the project site.

The riparian / oak woodland community of Pismo Lake is classified as Central Coast Arroyo Willow Riparian Forest habitat. This habitat type is considered sensitive by the California Department of Fish and Game (R. Holland 1986). The Pismo Lake State Ecological Reserve is located directly to the north and adjacent to the property. Aside from two small grassy areas on the northwest and southeast property corners, the site is abundantly vegetated with riparian willows and mature oak trees. The Biological Assessment submitted by the applicant asserts that no “sensitive” species were observed within the property boundaries. The Biological Assessment failed, though, to consider a number of sensitive plant and animal species that have the potential to occur in the vicinity of the property.³ More fundamentally, the biological assessment did not consider the oak/riparian woodland habitat on the property as sensitive habitat for purposes of evaluation under the LCP. Further, nothing in the biological assessment refutes the well-documented conclusion of the certified LCP, confirmed by staff site visit, that the riparian woodlands at issue here are ESHA. The riparian woodland serves as both a wildlife corridor and refuge extending from the project site to the banks of Pismo Lake. Commission biological and planning staff have reviewed the Applicant’s biological assessment, have visited and assessed the site, and have concluded that the riparian / oak woodland is a valuable ESHA. The Commission finds that the riparian/oak woodland is an ESHA resource worthy of the maximum LCP protection prescribed for it.

³ Listed plants so identified in the Biological Assessment (Morro Group, 2001) include: San Luis mariposa lily (*Calochortus obispoensis*); Pismo clarkia (*Clarkia speciosa ssp. Immaculate*); and Wells manzanita (*Arctostaphylos wellsii*). Listed animals include: Cooper’s hawk (*Accipiter cooperi*); southwestern pond turtle (*Clemmys marmorata pallida*); yellow warbler (*Dendroica petechia*); willow flycatcher (*Empidonax trailii*); yellow-breasted chat (*Icteria virens*); steelhead trout – south/Central ESU (*Oncorhynchus mykiss irideus*); California red-legged frog (*Rana aurora draytonii*); two-striped garter snake (*Thamnophis hammondi*).



Project Impacts

The proposed project includes the creation of a new parcel and development envelope to support future residential development. Currently, a single-family residence and concrete driveway exist on-site. By creating a new parcel and development envelope, future residential development can be expected. Any future residential development would necessarily introduce significant new residential structures, noise, lights, activities, and runoff immediately adjacent and into the riparian / oak woodland areas. The riparian / oak woodland is a relatively undisturbed environment, home to any number of migratory, seasonal and year-round inhabitants (including some State and Federally-listed endangered species) who are passing through, foraging, nesting, hunting, and resting in this area day and night. The increased human activity from the proposed project would be visible and audible within the riparian/oak woodland habitat areas. Since the proposed project is for residential use, the noise, lights, and activities would be present (at varying levels) all times of the day and night and all year. There is also the potential for larger events (like residential parties), when such activities and impacts would increase. In addition, residential site improvements such as retaining walls, driveways, and permanent erosion control and drainage devices expected within and adjacent to the riparian/oak woodland would both adversely impact wildlife during its construction, and permanently displace a portion of it where the structures would be installed.

The biological continuance of the existing oak woodlands and riparian corridor would be adversely impacted because important habitat areas would be replaced by urban development. Any animals using the area (Cooper's hawk, Southwestern Pond Turtle, California Red-legged Frog, etc.) would thus be further confined into the downslope riparian woodland, crowding wildlife already present there and potentially leading to displacement if carrying capacity is exceeded. In addition, within the then confined riparian woodland area, the expected additional noise, lights, and activities due to the proposed project could cause many of the birds and animals to leave altogether. For the species not displaced entirely, resting wildlife would expend energy on wasted alarm movements in response to the human activities. Such energy is at a premium if predators are present, and even more at a premium during breeding season when the birds and animals are maintaining nests and territory, as well as foraging and feeding young. The wasted energy could have a detrimental effect on reproductive success and behavior, as well as the loss of foraging time and/or breeding interaction. The cumulative effect of constant impacts (such as nighttime lighting) and multiple impacts from human noises, lights, and activities – particularly stronger stimuli such as loud noises and fast movements – would lead to decreased wildlife abundance and vigor in the riparian/ oak woodland inconsistent with the LCP policies that require the maximum protection of this sensitive habitat. Although it is possible that some of the impacts that will necessarily follow from the proposed project could potentially be lessened through changes in the project, the project as proposed does not include measures to mitigate these impacts. Additionally, the applicant has failed to provide any evidence that mitigation measures exist that could eliminate these impacts. This is inconsistent with the LCP standard that requires that the natural species diversity, abundance and composition of the habitat be essentially unchanged after the project, as well as the requirements to not harm or otherwise significantly impact the habitat values of the Meadow Creek ESHA. If feasible, the LCP requires that undeveloped areas remain in open space. Further, developments in this area must be designed to prevent impacts to the ESHA.



Project Inadequately Protects Coastal Water Quality

The LCP also protects the water quality of the adjacent Meadow Creek and Pismo Lake. Policy 7 requires that permeable materials be used for all ground cover within developable areas, with the exception of residential structures, roads, street improvements, and swimming pools. Policy 8 of the LCP prohibits development on slopes 25% or greater and limits runoff rates to that which occur naturally on the undeveloped site. Policy 8(b) requires the use of energy dissipation structures at the terminus of outflow drains. Strict adherence to these policies are critical to protect the water quality because according to the LCP encroaching residential developments both east and west of North Forth Street have, by causing the removal of vegetation, increased erosion problems and sedimentation of the Pismo Lake marsh and creek.⁴

The 42,467 square foot (.98 acre) parcel is currently almost exclusively pervious, with the exception of roughly 5,000 square feet of the existing residential footprint, driveway, porches, and walkways. In addition to surface drainage from the house and driveway, a stormdrain on Second Street collects stormwater and conveys it across the property through a 10' cross-property drainage easement. According to the Initial Study conducted by the City, the current drainage system is ineffective and runoff is currently being directed to Pismo Lake while at the same time exacerbating erosion and sedimentation in this habitat area. The City approved project includes a new residential lot (effectively doubling the density), a new residential structure, driveway, restoration of the degraded stormwater drainage system, and improvement to the lateral drainage easement onsite. Improvements include the installation of rock energy dissipaters, an additional drainage pipe to be installed at the southern property boundary, construction of earthen drainage swales, construction of concrete retaining walls and wood fencing to support drainage improvements, and construction of a sediment retention basin in the rear of the newly proposed residence to capture and retain runoff onsite.

The City approved project includes roughly 3,556 square feet of new structural ground coverage associated with the additional residential lot. This would add 17.78% more impervious surfacing to that which already exists. Given the presence of highly erodible soils and the LCP requirement to retain onsite runoff, implementation of drainage improvements such as sediment retention basins and concrete retaining walls would necessitate significant ground disturbance, alteration of site topography, and removal of vegetation/ground cover. The alteration of natural hydrological dynamics within ESHA areas is expected with this project.

In addition, runoff from the site would be expected to contain typical runoff elements associated with urban residential development. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics (such as pesticides and herbicides).⁵ Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.

⁴ City of Grover Beach certified Local Coastal Program paragraph two ("Conflicts") pg. 16.

⁵ Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).



Cumulative Impacts

The LCP requires that development not degrade the habitat values of Pismo Lake and Meadow Creek (Action Standard 3). The Commission is concerned about the project's impacts, both individually and cumulatively, to the coastal resources thus far discussed in these findings. As described, the subject parcel is only one of four large parcels (approximately 1 acre each) created by the Bagwell Tract in 1978. There is potential for further requests to subdivide the Bagwell tract. The combined effect of future subdivisions on coastal resources when considered along with the proposed project can be expected to lead to cumulative impacts to the types of coastal resources detailed in the findings above. In particular, and probably of most direct relevance since this lot and other lots are adjacent to the Pismo Lake Ecological Reserve, adverse impacts to ESHA (through multiple structures, added disturbance, heightened runoff and sedimentation, etc.) would necessarily be cumulatively worsened by the contribution of this proposed project.

Potential growth-inducing and cumulative impacts associated with the project, some of which may be realistic to expect, do not encompass new issues beyond those covered in the previous findings. Rather, these potential impacts serve to emphasize the previous conclusions with regard to ESHA impacts. The potential cumulative and growth-inducing aspects of the project are related specifically to the subdivision of other Bagwell tract lots, which may be proposed in Grover Beach.

Conclusion

Inconsistent with coastal resource protection policies of the certified LCP, the project will degrade riparian oak woodland and riparian habitats through the creation of a new lot and building envelope to support future residential development. These development activities, which will occur within and adjacent to sensitive habitat areas, will adversely impact sensitive riparian/oak woodlands, alter natural drainage patterns, and contribute sediments and pollutants to coastal waters (e.g., Pismo Lake and Meadow Creek).

In addition to directly impacting ESHA areas, the development will disrupt adjacent habitat by introducing noise and light to the natural areas, and potentially result in the increase in runoff, erosion, and siltation into coastal waters. Moreover, by developing within and adjacent to the riparian/oak woodland habitat, the project will remove and degrade areas that contain Coast Live Oak saplings and other resources that support the biological productivity and regeneration of the woodland. The proposed development will also have on-going impacts on the functional capacity of the Pismo Lake wetland and oak woodland areas due to the coverage and fragmentation of habitat, the alteration of natural hydrological dynamics, shading of woodland and wetland plants, and an increase in the intensity of disturbance through added residential use. As a result, the project is not compatible with the biological continuance of ESHA, inconsistent with the LCP Action Standards 3, 4, 5, 6, 9a, and 9b.

Inconsistent with Policies 7 and 8, construction activities can adversely impact coastal water quality by discharging debris and pollutants into watercourses, and by causing erosion and sedimentation through the removal of vegetation and the movement of dirt. The increase in impervious surfaces that will result from any new development project on this site will also impact coastal water quality by altering natural drainage patterns and providing areas where the accumulation of pollutants will eventually be carried



into Pismo Lake by storm water.

The project as approved by the City of Grover Beach does not adequately address the LCP standards protecting the sensitive habitat areas of Meadow Creek and the Pismo Lake Ecological Reserve. The oak woodland and riparian habitat located adjacent to the existing parcel is an important coastal resource, interconnected with the larger Pismo Lake Ecological Reserve and unique to this area of Grover Beach. The presence of Pismo Lake Ecological Reserve directly to the north of the property has helped to protect these sensitive habitat areas. Maximum application of LCP habitat protection standards in this area is essential to preserve the healthy biological continuance of the oak woodland and wetland habitat.

Finally, and most fundamentally, the proposed project would create an additional residential development site within ESHA that the Commission is not required to approve. The LCP is clear that the densities planned for in this area are maximums, and that new development must be designed to prevent impacts to ESHA. In this case, the applicant already has a residential building site, with an existing single family home, and is not entitled to a subdivision. This is particularly the case when the subdivision development would necessarily cause impacts to ESHA. Although some of these impacts could perhaps be lessened through mitigation measures, the proposed project does not include measures to mitigate these impacts. Additionally, the applicant has failed to provide any evidence that mitigation measures exist that could eliminate these impacts. It is feasible, though, to eliminate the impacts by not creating the new residential building site in first place. In a case such as this, where the existing legal parcel is already developed with a reasonable economic use (single family home), the ESHA protection policies must be applied to the maximum extent feasible, and require, therefore, that the subdivision be denied.

In conclusion, the Commission finds that the proposed cannot be found consistent with the LCP and is denied.

5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has identified and discussed certain additional potential adverse and unmitigated impacts not fully addressed by the local government. As illustrated by the findings above, the Commission finds that the environmentally sensitive habitat area (ESHA) impacts of the proposed project represent significant adverse effects on the environment within the meaning of CEQA. The proposed project does not include mitigation measures to substantially lessen these significant adverse effects. In addition, the



application does not indicate whether or not any feasible mitigation measures or feasible alternatives that would substantially lessen these effects are available. Accordingly, the proposed project is not approvable under CEQA and is denied.

